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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/868,254 | 06/15/2001 | Hugh Boyd Morrison | RCA 89185 | 6997 |
| 7590 04/01/2010 | | | | |
| Joseph S Tripoli Thomson Multimedia Licensing Inc PO Box 5312 Princeton, NJ 08540 | | | | |
| EXAMINER | | | | |
| BROWN, RUEBEN M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2424 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/868,254

Applicant(s)

MORRISON ET AL.

Examiner

REUBEN M. BROWN

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/4/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8, 9, 11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 9, 11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 10/26/09; 1/4/10

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6, 8-9, 11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer, (U.S. PG-PUB 2005/0138660), in view of Schniedewend, (WO 98/56172) and Casement, (US PG-PUB 2007/0162937).

Considering claims 1 & 11, the amended claimed method for operating a video processing apparatus, such that the *'video processing apparatus operates in a video-operating mode and in a computer mode, and wherein the video processing apparatus has an EPG operable in the video operating mode and not in the computer mode'*, is met by the disclosure of Boyer, (Fig. 2), which shows the standard operating mode of an EPG.

'Operating the video processing apparatus in the computer mode, comprising by running a computer application software program on the video processing apparatus, such that the computer application software program is capable of receiving messages' is met by the disclosure of Boyer, that the user equipment, multimedia system 28, 3, 32 is enabled to support

e-mail technology, (Fig. 1; Para [0042]-[0043]). The claimed computer application software program, reads on the e-mail service disclosed in Boyer. The amended claimed feature of the computer application software program having a display, reads on the display of Fig. 6.

'causing an advertisement associated with a broadcast TV program, while the computer application software program is running' is met by Fig. 6; Para [0051]-[0052], which shows an advertisement for a TV program being received via e-mail.

'receiving a signal indicating a user selection of the advertisement while the computer application is running', reads on the user in Boyer, selecting the e-mail reminder.

and *'providing a user selection display in response to the user selection of the advertisement, such that the user selection display comprises a listing of a plurality of user selectable options associated with the instant broadcast TV program'*, Boyer does not specifically show that the subscriber can select the advertised program, for tuning, from the reminder. Nevertheless, Schniedewend in the same field of endeavor, teaches subscriber accessing a particular program from the user interface, Fig. 4, step 452. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Boyer with the teaching of Schniedewend in order to automatically allow the user to access the program that is the subject of the advertisement, at least for the known benefits of interactive programming.

As for the further claimed feature that the selection display is provided while the computer software program is in running, and at least causes the apparatus to switch from computer more to video mode', and that the user is provided with multiple options to choose from, such as , 'tune to the channel', 'tune to the channel when the program is broadcast'; 'recording the program', ' access an associated web site'; 'return to the computer application software', the references do not provide the options. Nevertheless Casement, which is also in the same field of endeavor provides a teaching that once the viewer is reminded of a program, the user may at least buy, auto tune and/or record the instant program, see Fig. 2; Fig. 4; Para [0027-0037]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Boyer & Schniedewend, with the feature of providing the options to the user, at least so that the user can take advantage of well-known and standard features of program reservation and reminder, within the GUI already opened, i.e., the e-mail interface. It is noted that Boyer already enables the user to go back to the e-mail interface.

Considering claims 2 & 8-9 & 13, the e-mail technology of Boyer meets the claimed subject matter.

Considering claim 3-4, the claimed '*control information*' reads on the disclosure of Casement that the system at least allows the user to order the program.

Considering claim 6 the claimed method steps for operating a video processing apparatus comprising steps that correspond with subject matter mentioned above on the rejection of claim 1, are likewise treated.

Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2424